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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SCOTT K. KING,) Case No. EDCV 08-563 CAS(JC)
Petitioner,) (PROPOSED) ORDER ADOPTING
v.) FINDINGS, CONCLUSIONS, AND
DERWAL ADAMS,) RECOMMENDATIONS OF
Respondent.) UNITED STATES MAGISTRATE
JUDGE

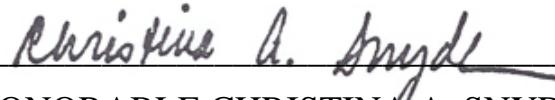
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), all of the records herein, and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the United States Magistrate Judge’s Report and Recommendation.

IT IS HEREBY ORDERED that: (1) Respondent’s Motion to Dismiss is denied to the extent it seeks dismissal of the Petition with prejudice based upon a statute of limitations bar; (2) Respondent’s Motion to Dismiss is granted to the extent it seeks dismissal of the Petition without prejudice based upon petitioner’s failure to exhaust his claims; (3) Petitioner’s Motion to Stay is denied; and (4) Judgment be entered denying the Petition and dismissing this action without prejudice.

1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
2 United States Magistrate Judge's Report and Recommendation, and the Judgment
3 herein on Petitioner and on counsel for Respondent.

4 LET JUDGMENT BE ENTERED ACCORDINGLY.
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6 DATED: December 16, 2008

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8 HONORABLE CHRISTINA A. SNYDER
9 UNITED STATES DISTRICT JUDGE

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